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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CANDIDO VILIEBRE OCAMPO and
OLGA LIBIA CIENFUEGOS
CARDENAS,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-72062

Agency Nos. A97-875-264
A97-875-265

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 17, 2007 ^{**}

Before: GOODWIN, REINHARDT and W. FLETCHER, Circuit Judges.

This is a petition for review of the Board of Immigration Appeals' ("BIA")
denial of a motion to reconsider its decision denying cancellation of removal.

We have considered petitioners' response to this court's September 10,

^{*} This disposition is not appropriate for publication and is not
precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

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2007, order to show cause why the petition should not be summarily denied pursuant to Ninth Circuit Rule 3-6(b).

Petitioners contend the BIA abused its discretion and violated their due process rights by failing to find error in the immigration judge's ("IJ") refusal to hear testimony concerning petitioners' length of residence in the United States. However, as the BIA noted, the BIA and the IJ were aware of the length of time petitioners resided in the United States by the ages of their American-born children. In addition, the record contained written evidence of their length of residence. The BIA therefore did not violate petitioners' due process rights and was within its discretion in denying petitioners' motion to reconsider. *See* 8 C.F.R. § 1003.2(b)(1); *Socop-Gonzalez v. INS*, 272 F.3d 1176, 1180 n.2 (9th Cir. 2001) (en banc). In any event, this court lacks jurisdiction to review the immigration judge's and BIA's decision that petitioners failed to show the requisite hardship. *See Romero-Torres v. Ashcroft*, 327 F.3d 887, 892 (9th Cir. 2003). Accordingly, the petition is summarily denied. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

The temporary stay of removal and voluntary departure confirmed by Ninth Circuit General Order 6.4(c) and *Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004), shall continue in effect until issuance of the mandate.

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PETITION FOR REVIEW DENIED.